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Epic Games, Inc.

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16 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
17 **OAKLAND DIVISION**

18 EPIC GAMES, INC.,

19 Plaintiff, Counter-defendant,

20 v.

21 APPLE INC.,

22 Defendant, Counterclaimant.
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Case No. 4:20-CV-05640-YGR-TSH

**NOTICE REGARDING AVAILABILITY
OF NED S. BARNES, CPA**

Hearing Date: May 8, 2024

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

1 Plaintiff and Counter-defendant Epic Games, Inc. (“Epic”) respectfully submits
2 this Notice further to the Order Setting Evidentiary Hearing entered by the Court on April 23,
3 2024 (the “Order”, ECF No. 925).

4 In the Order, the Court instructed Mr. Ned S. Barnes to attend the upcoming
5 evidentiary hearing, which is set to begin on May 8, 2024. Mr. Barnes has informed Epic that he
6 is scheduled to be testifying in another matter in New York on May 8 and will therefore be
7 unavailable to attend the evidentiary hearing in this Court on that day. Mr. Barnes is available to
8 appear on May 10, 2024, which this Court has reserved for additional testimony if needed. Epic
9 therefore respectfully requests that Mr. Barnes’ attendance be excused as to the May 8 hearing
10 date, and that Mr. Barnes be permitted to testify on May 10, 2024.

Dated: April 25, 2024

Respectfully submitted,

By: /s/ Gary A. Bornstein

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